

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

VINCEL K. CHAMBERS,

Plaintiff,

v.

OFFICER WINDHAM,

Defendant.

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No. 4:22-CV-453 PLC

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's fourth motion for appointment of counsel. ECF No. 29. The motion will be denied without prejudice.

In civil cases, a self-represented litigant does not have a constitutional or statutory right to appointed counsel. *Ward v. Smith*, 721 F.3d 940, 942 (8th Cir. 2013). *See also Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998) (stating that "[a] pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case"). Rather, a district court may appoint counsel in a civil case if the court is "convinced that an indigent plaintiff has stated a non-frivolous claim . . . and where the nature of the litigation is such that plaintiff as well as the court will benefit from the assistance of counsel." *Patterson v. Kelley*, 902 F.3d 845, 850 (8th Cir. 2018). When determining whether to appoint counsel for an indigent litigant, a court considers relevant factors such as the complexity of the case, the ability of the self-represented litigant to investigate the facts, the existence of conflicting testimony, and the ability of the self-represented litigant to present his or her claim. *Phillips v. Jasper Cty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006).

After considering these factors, the Court finds that the instant motion for appointment of counsel is unwarranted at this time for the reasons it denied plaintiff's third motion. *See* ECF No.

23. The matter is filed against one defendant, Officer Windham. As of the date of this Order, defendant Windham has not been personally served with the complaint by the United States Marshals Service. *See* ECF No. 30. Consequently, defendant Windham has not filed a responsive pleading and the time for doing so has not passed. Because the circumstances have not changed since plaintiff's previously filed requests for appointment of counsel, this motion will be denied. The Court will entertain future motions for appointment of counsel as the case progresses.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's fourth motion for appointment of counsel [ECF No. 29] is **DENIED** without prejudice.



PATRICIA L. COHEN
UNITED STATES MAGISTRATE JUDGE

Dated this 16th day of December, 2022